

# EXHIBIT

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**MARK FANG**  
**ATTORNEY AT LAW**  
A Professional Corporation

Los Angeles County Office:  
215 North Marengo Avenue  
Third Floor  
Pasadena, CA 91101  
Phone: (626) 304-9972  
Facsimile: (626) 628-3011  
E-Mail: [MarkFangEsq@aol.com](mailto:MarkFangEsq@aol.com)

Ventura County Office:  
215 E. Daily Drive  
Suite 9  
Camarillo, CA 93010  
Phone: (805) 383-2788  
Facsimile: (805) 388-9488  
E-Mail: [MarkFangEsq@aol.com](mailto:MarkFangEsq@aol.com)

Please Reply To :

Ventura County Office

October 31, 2005

\*\*\*VIA FACSIMILE & U.S. MAIL\*\*\*

Christopher Weller, Esq.  
Capell & Howard, P.C.  
150 South Perry Street  
Montgomery, AL 36104

RE: Woods & Water v. Foria International, Inc., et al  
Case No. CV-04-HS-3076-S

Dear Mr. Weller:

This office is in receipt of your letter dated October 26, 2005 wherein you advise that Capell & Howard will produce the entire client file in response to Kohl's subpoena in the above-captioned matter.

This letter shall serve as formal notice to Capell & Howard that Foria International, Inc., objects to the production of its prior case file in the matter involving Woods & Water, Inc. on the basis that the entire file contains privileged attorney work product and attorney-client communications.

Foria was a client of Capell & Howard and has not consented to the production of any portion of the client file in the Woods & Water matter. Although Capell & Howard also represented Kohl's in the matter, many of the documents and communications in the file do not relate to Kohl's in any way and are privileged to Foria only. As such, these documents are privileged and any production of them will be a violation of the attorney-client privilege.

Specifically, all documents requested in the subpoena exchanged between this office and Capell & Howard are privileged and

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confidential communications specific to Capell & Howard's representation of Foria.

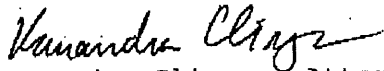
Further, all communications between Balch & Bingham and Capell & Howard relating to settlement discussions are confidential and privileged communications as well.

If Capell & Howard produces any privileged documents, Foria will be forced to file appropriate complaints with the Alabama State Bar and to recover any damages caused by such disclosures.

Should Capell & Howard choose to produce any documents pursuant to the subpoena, we ask that you please provide complete copies of all documents produced to this office.

Please feel free to contact this office should you have any questions regarding the contents of this letter.

Regards,



Kassandra Clingan, Attorney  
MARK FANG, ATTORNEY AT LAW